

REMARKS

Applicant notes with thanks that the drawing submitted on November 9, 2007 has been accepted for examination.

Claims 1 and 16 have been amended to more particularly point out and distinguish the present invention from the Ogden patent newly cited by the Examiner. Claim 1 now specifies that the pads are directed outwardly from the sock. This feature is clearly shown in Figure 1 of the drawing and adds no new matter. Claim 16, as amended, recites that at least one side climate conduit (7) extends along the side of the sock. This feature is clearly described in paragraph [0016] of the specification and adds no new matter. Claim 18 was amended to correct a typographical error. Claims 1-22 remain for consideration.

Claims 1-22 were rejected in the previous Office Action as being anticipated by Ogden (US 5,708,985). Examining Ogden closely, it is seen that there is a sock 10, 10', which comprises a leg portion 12 and a foot portion 14. The foot portion 14 has a heel 16 at one end, preferably including a heel pocket 18 and a toe 20 at the opposite end. Extending between the heel 16 and the toe 20 are an instep portion 22 engageable with the upper half of the foot and a sole portion 24 engageable with the bottom half of the foot. The instep portion 22 and the sole portion 24 have opposed sides, which are joined together along their edges to form the completed foot portion 14 of the sock (col. 4, lines 38-48). The sole portion 24 is initially formed with an outer layer 28 consisting of at least one course of yarns preferably knitted with a flat knit stitch (col. 5, lines 1-4). The sole portion 24 of the sock 10 further includes a number of

longitudinally space ribs 36, which extend substantially parallel to one another from approximately the heel 16 to the toe 20 of sock 10. Each of the ribs 36 is defined by at least one additional layer of yarn which is knitted with terry loops 38. The terry loops 38 extend from the inner surface 32 of outer layer 28 inwardly (col. 5, lines 22-30). Each of the ribs 36 has a width dimension 40 and a height dimension 42, with adjacent ribs 36 being longitudinally spaced from one another by gaps or spaces 44. The skin of the plantar surface of the foot is "captured" between adjacent ribs 36 so as to substantially increase the frictional engagement between the sole portion 24 of the sock 10 and the foot (col. 5, lines 50-62).

With reference to Figure 5 of the drawing, the ribs 36' of sock 10' are discontinuous or interrupted in the side-to-side or transverse direction, forming a "checkerboard" configuration, wherein rib 36' consists of one or more transverse spaces 50. Adjacent ribs 36' in turn are separated from one another by the same longitudinal spaces 44 (col. 6, line 63 to col. 7, line 3). The longitudinal spaces 44 and transverse spaces 50 are specifically designed to induce the skin of the plantar surface of the foot to extend therein to substantially increase the frictional engagement between the sole portion of the sock 10' and the foot. As a result, the foot and the sock tend to move as unit within the interior of the shoe in response to the application of side-to-side, back to front and rotational shear forces, thus allowing the sock 10' to act as protective layer for the foot as the foot and sock move within the shoe. This should reduce the incidence of blisters and other soft tissue damage to the foot which would otherwise be permitted if the foot were allowed to move with respect to the sock inside of the shoe (col 7, lines 16-31).

Sections 54, 56 of sock 10 and 54',56' of sock 10' are intended to enhance the comfort of socks 10, 10', but are optional and could be omitted if desired (col. 7, lines 61-66).

The sock of Ogden does not include the features of the present claim 1. As can be clearly derived from the drawings and the description of Ogden, there are no pads that are arranged to optimally adapt to the load profile of the foot. As described in the introduction of the present invention (paragraph [0003]), the plane of the treading area of the foot between the heel and the outer and inner balls of the foot form a three-point-support system. The pads of the present invention are placed in the areas of the outer and inner balls, in the area of the heel, as well as in the outer instep of the foot. This feature cannot be derived from Ogden; Ogden describes a regular placement of the pad. There is no suggestion in Ogden of a three-point-support system for the foot. The pads 2, 3, 4 and 5 of the present invention are placed in the area of the three-point load and there is no teaching of this feature in Ogden.

Additionally, the pads of Ogden extend from the inner surface of the outer layer 28 of sock 10, 10' inwardly. This is totally different from the present invention. As can be seen from the drawings, pads 2, 3 and 4 are directed outwardly from the treading area 1. As stated above in Ogden, sections 56, 56' of sock 10, 10' are intended to enhance the comfort of socks 10, 10', but are optional and could be omitted if desired. This makes clear, that sections 56, 56' are not designed, to place pads in the area of the main load of the foot. If pads 56, 56' are omitted, there will be no support of the load of the foot in the area of the toes or the ball of the foot. As a consequence, Ogden would not solve the problem of the present invention, but rather is predicated upon the concept of creating improved in-shoe dynamics by enhancing the frictional

engagement between the plantar surface of the foot and the sole portion of the sock. This has nothing in common with the present invention.

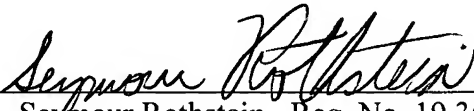
With regard to claim 16, the Examiner appears to misunderstand the side climate conduit 7. As seen from figure 1 and the description of the present invention (paragraph [0016]), the climate conduit 7 runs along the side of the sock and leads into the intermediate spaces 6. In the view of the applicant, Ogden does not show an equivalent to the climate conduit of the present invention. With regard to the climate conduit of the present invention, the Examiner refers to reference numbers 22, 44 and 50 of Ogden. Additionally, she refers to reference numbers 44 and 50 with regard to the intermediate spaces, which are mentioned in new claim 16. Comparing the drawings of Ogden and the drawings of the present invention, reference numbers 44 and 50 of Ogden may be comparable to the intermediate spaces 6 of the present invention, but there is no indication that instep portion 22 of Ogden is comparable to climate conduit 7 of the present invention. As described above, the instep portion 22 is located between the heel 16 and toe 20 and is engageable with the upper half of the foot and the sole portion 24 is engageable with the bottom half of the foot. There is no indication that instep portion 22 is able to remove perspiration from the bottom of the foot as described in paragraph [0010] of the present application. On the contrary, instep portion 22 of Ogden is placed in the upper half of the foot. It does not run or extend along the side of the sock. Therefore, in the view of the applicant, the Examiner has misinterpreted the climate conduit of the present invention.

Claims 1-22 patentably distinguish over Ogden and should be allowed.

Favorable reconsideration and allowance of the present application are solicited.

Respectfully submitted,

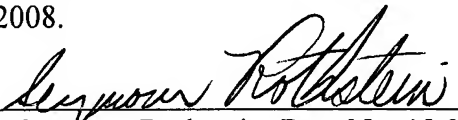
Date: April 14, 2008

By: 
Seymour Rothstein, Reg. No. 19,369
OLSON & CEPURITIS, LTD.
20 North Wacker Drive
36th Floor
Chicago, Illinois 60606
(312) 580-1180

Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this **AMENDMENT AFTER FINAL REJECTION** is being deposited with the United States Postal Service with sufficient postage prepaid as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450 this 14th day of April 2008.


Seymour Rothstein, Reg. No. 19,369